

REMARKS

Status of the Claims

The Final Office Action mailed March 11, 2009 noted that claims 1-10 were pending and rejected claims 1-10. No claims are amended. No claims are cancelled. No new claims are added. No new matter is believed to be presented.

It is respectfully submitted that claims 1-10 are pending.

Rejections under 35 U.S.C. § 103

The Office Action, on page 3, rejected all claims under 35 U.S.C. § 103(a) as being unpatentable variously over Horvitz, DeSimone, Shimada, Kall, Crandall, Schneider, Iwata, Hoshi, Erdelyi, and Park. These rejections are respectfully traversed below.

On page 5 of the Office Action, it is admitted that Horvitz and DeSimone fail to disclose a method determining an order of delivering updated first information, but the Office Action looks to Shimada, claim 5, and column 14, lines 10-14 to cure the admitted deficiency. As best understood, it is respectfully submitted that Shimada, Horvitz and DeSimone, taken alone and in combination, do not teach "means for determining an order of delivering the updated information data to the second user terminal according to the profile data acquired by reference to the second group of data in said storage unit when the first information data is updated," recited for example, in claim 1.

The Office Action has failed to refer to the most recent version of claim 1 on page 5 of the Office Action and clarification is requested in the next Office Action. Second, Shimada in combination with Horvitz and DeSimone does not teach "means for determining an order of delivering the updated information data...when the first information is updated," because "the updating" referred to in Shimada is not related to determining an order of delivering the updated information data, but merely delivering updated information to the user. (See Shimada, column 14, lines 10-14).

It is respectfully submitted that the Examiner is misunderstanding the claim language above and/or misinterpreting Shimada. Shimada separately notes that (1) a database of priorities exists and (2) updated information is distributed to patch or add new content for software already installed in a client terminal device. Thus, Shimada does not teach updating an order of distribution when the first information is updated. Shimada is silent as to such a feature because Shimada does not say whether the order of delivering updated information data is

determined when the first information is updated.

Thus, Shimada does not teach "determining an order of delivering the updated information data...when the first information is updated." Shimada does not say that the order of delivering the updated information is updated when the updated information is distributed. Thus claim 1 patentably distinguishes over Horvitz, DeSimone, and Shimada, taken alone and in combination.

Claim 9 recites "determining an order of delivery of the updated information to the user terminal at each index when the information is updated" which is not taught by Park, Erdelyi, and Shimada. The Office Action, on page 22 admits that Park as modified by Erdelyi, fails to disclose a method of determining the order in which video clips are retrieved. The Office Action then looks to Shimada and asserts that "Shimada discloses a system for distributing content data according to user-set content distribution schedules wherein a deliver order is determined." As noted above, Shimada does not say that an order of delivery is determined when the information is updated.

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the cited references. For example, claim 3 recites "means for determining the order according to the restriction data." In particular, although the Office Action cited paragraph [0077] of Crandall, this paragraph specifically notes that "[t]he command sequence 500 may be as long as desired, and **may include commands for reproducing information that has not yet been stored.**" Further, Crandall discusses that updated news will begin to be reproduced at 6:00 AM on Day 461, but Crandall does not say that before 6:00 AM that the order of the programming is changed. There is no change in the order of the command sequence when the news is not yet updated and thus claim 3 patentably distinguishes over Horvitz, DeSimone, Shimada, and Crandall, taken alone and in combination. It is submitted that the dependent claims are independently patentable over the cited references.

Withdrawal of the rejection is respectfully requested.

Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

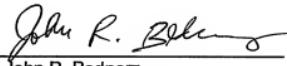
Serial No. 10/766,026

If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 6-11-09

By: 
John R. Bednarz
Registration No. 62,168

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501